

**LOCAL GROUNDWATER ASSISTANCE GRANT PROGRAM
APPLICATION**

ATTACHMENT 2

ELIGIBLE APPLICANT DOCUMENTATION



UPPER DISTRICT GROUNDWATER REPLENISHMENT MODEL

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Attachment 2 **Eligible Applicant Documentation**

The following section documents that Upper District is an eligible applicant.

- 1)** Is the applicant a local public agency as defined in CWC 10701(a)? Please explain.

Yes. Upper District is a local public agency as defined by California Water Code (CWC) Section 10701(a). According to CWC Section 10701 (a), a local public agency is defined as “any city, county, district, agency, or other political subdivision of the state for the local performance of governmental or proprietary functions within limited boundaries.” Upper District is a district created for the local performance of proprietary functions within limited boundaries.

Upper District was incorporated on January 7, 1960 in accordance with Section 71000 of the CWC, which is known as the Municipal Water District Act. Upper District is the sole provider of wholesale water service within specified boundaries in the San Gabriel Valley.

- 2)** What is the statutory or other legal authority under which the applicant was formed and is authorized to operate?

Upper District is a wholesale water agency formed by voters in the San Gabriel Valley on December 8, 1959. Upper District was then incorporated on January 7, 1960 in accordance with Section 71000 of the CWC, which is known as the Municipal Water District Act. The Municipal Water District Act provides for “The people of any county or counties, or of any portions thereof, whether such portions include unincorporated territory only or incorporated territory of any city or cities, or both such incorporated and unincorporated territories...” to organize municipal water districts. With respect to water supply, the Municipal Water District Act allows such a district to “...acquire, control,

distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or users of the District, its inhabitants, or the owners of rights to water in the District.”

- 3)** Does the applicant have legal authority to enter into a grant agreement with the State of California?

Yes. According to CWC Section 71722, Upper District may contract with other public agencies, including the State of California, for financing. In addition, the applicant (Upper District) has been authorized by the Upper District Board to prepare and submit an application and enter into a grant agreement with the State of California. A resolution adopted by the Upper District Board, authorizing Shane Chapman, General Manager of Upper District, to file an application for the Local Groundwater Assistance Grant and enter into an agreement with the State of California, is discussed in Attachment 1.

- 4)** Describe any legal agreements among partner agencies and/or organizations that ensure performance of the project and tracking of funds.

Upper District is partnering with the Main San Gabriel Basin Watermaster (Watermaster) for the proposed Project. Watermaster is a court appointed entity responsible for administering and enforcing the provisions of the Main San Gabriel Basin Judgment (See Attachment 3). As part of meeting its responsibilities, Watermaster maintains an existing two-dimensional model of the Main San Gabriel Basin. As discussed in Attachment 4 (Project Description), Upper District will expand Watermaster’s existing model into an updated, site specific three-dimensional model. Watermaster will also provide modeling support to Upper District. However, Upper District plans to be solely responsible for ensuring Project performance and tracking of funds.